

# House File 517 - Reprinted

HOUSE FILE 517  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 133)

(As Amended and Passed by the House March 7, 2017)

## A BILL FOR

1 An Act relating to offensive and dangerous weapons, and the  
2 justifiable use of reasonable and deadly force, including  
3 carrying, possessing, transferring, and acquiring weapons,  
4 the purchase and regulation of such weapons, providing  
5 penalties, and including effective date and applicability  
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

OFFENSIVE WEAPONS

Section 1. Section 724.1, subsection 1, paragraph b, Code 2017, is amended by striking the paragraph.

Sec. 2. NEW SECTION. **724.1C Short-barreled rifle or short-barreled shotgun — penalty.**

1. For purposes of this section, "*short-barreled rifle*" or "*short-barreled shotgun*" means the same as defined in 18 U.S.C. §921.

2. A person shall not knowingly possess a short-barreled rifle or short-barreled shotgun in violation of federal law.

3. A person who possesses a short-barreled rifle or short-barreled shotgun in violation of subsection 1 commits a class "D" felony.

DIVISION II

CARRYING WEAPONS AND POSSESSION OF WEAPONS

Sec. 3. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2017, is amended to read as follows:

(viii) **Section 724.4**, ~~if the child carried the dangerous weapon on school grounds or~~ **724.4B.**

Sec. 4. Section 708.8, Code 2017, is amended to read as follows:

**708.8 Going armed with intent.**

A person who goes armed with any dangerous weapon with the intent to use without justification such weapon against the person of another commits a class "D" felony. The intent required for a violation of this section shall not be inferred from the mere carrying or concealment of any dangerous weapon itself, including the carrying of a loaded firearm, whether in a vehicle or on or about a person's body.

Sec. 5. Section 724.4B, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* A private investigator or private security officer who possesses a valid license pursuant to

1 chapter 80A, while engaged in the performance of duties as  
2 a private investigator or private security officer, if the  
3 private investigator or private security officer possesses a  
4 valid professional or nonprofessional permit to carry weapons  
5 issued pursuant to this chapter.

6 Sec. 6. Section 724.4C, Code 2017, is amended to read as  
7 follows:

8 **724.4C Possession or carrying of firearms dangerous weapons**  
9 **while under the influence.**

10 1. A permit issued under ~~this chapter~~ is invalid if the  
11 Except as provided in subsection 2, a person to whom the permit  
12 is issued is commits a serious misdemeanor if the person  
13 is intoxicated as provided under the conditions set out in  
14 section 321J.2, subsection 1-, and the person does any of the  
15 following:

16 a. Carries a dangerous weapon on or about the person.

17 b. Carries a dangerous weapon within the person's immediate  
18 access or reach while in a vehicle.

19 2. This section shall not apply to any of the following:

20 a. A person who carries or possesses a dangerous weapon  
21 while in the person's own dwelling, place of business, or on  
22 land owned or lawfully possessed by the person.

23 b. The transitory possession or use of a dangerous weapon  
24 during an act of justified self-defense or justified defense of  
25 another, provided that the possession lasts no longer than is  
26 immediately necessary to resolve the emergency.

27 Sec. 7. Section 724.5, Code 2017, is amended to read as  
28 follows:

29 **724.5 Duty to carry permit to carry weapons.**

30 1. A person armed with a revolver, pistol, or pocket billy  
31 concealed upon the person shall have in the person's immediate  
32 possession the permit provided for in section 724.4, subsection  
33 4, paragraph "i", and shall produce the permit for inspection at  
34 the request of a peace officer. Failure to so produce a permit  
35 is a simple misdemeanor.

1     2. A person charged with a violation of subsection 1 who  
 2 produces to the clerk of the district court prior to the  
 3 date of the person's court appearance proof that the person  
 4 possesses a valid permit to carry weapons which was valid at  
 5 the time of the alleged offense, shall not be convicted of a  
 6 violation of subsection 1 and the charge shall be dismissed by  
 7 the court. Upon dismissal, the court shall assess the costs  
 8 of the action against the person named on the indictment or  
 9 information.

10                                   DIVISION III

11             PERMIT TO CARRY WEAPONS AND FIREARM SAFETY TRAINING

12     Sec. 8. Section 80A.13, subsection 1, Code 2017, is amended  
 13 to read as follows:

14     1. File with the sheriff of the county in which the campus  
 15 is located evidence that the individual has successfully  
 16 completed an approved ~~firearms~~ firearm safety training program  
 17 under section 724.9. This requirement does not apply to  
 18 armored car personnel.

19     Sec. 9. Section 724.9, Code 2017, is amended to read as  
 20 follows:

21     **724.9 Firearm safety training program.**

22     1. An applicant for an initial permit to carry weapons shall  
 23 demonstrate knowledge of firearm safety by any of the following  
 24 means:

25     a. Completion of any national rifle association handgun  
 26 safety training course.

27     b. Completion of any handgun safety training course  
 28 available to the general public offered by a law enforcement  
 29 agency, community college, college, private or public  
 30 institution or organization, or firearms training school,  
 31 utilizing instructors certified by the national rifle  
 32 association or the department of public safety or another  
 33 state's department of public safety, state police department,  
 34 or similar certifying body.

35     c. Completion of any handgun safety training course offered

1 for security guards, investigators, special deputies, or any  
2 division or subdivision of a law enforcement or security  
3 enforcement agency approved by the department of public safety.

4 *d.* Completion of small arms training while serving with the  
5 armed forces of the United States ~~as evidenced by any of the~~  
6 ~~following:~~.

7 ~~(1) For personnel released or retired from active duty,~~  
8 ~~possession of an honorable discharge or general discharge under~~  
9 ~~honorable conditions.~~

10 ~~(2) For personnel on active duty or serving in one of the~~  
11 ~~national guard or reserve components of the armed forces of the~~  
12 ~~United States, possession of a certificate of completion of~~  
13 ~~basic training with a service record of successful completion~~  
14 ~~of small arms training and qualification.~~

15 *e.* Completion of a law enforcement agency firearms firearm  
16 safety training course that qualifies a peace officer to carry  
17 a firearm in the normal course of the peace officer's duties.

18 *f.* Completion of a hunter safety course taken on or after  
19 July 1, 2017, that covers handgun safety training.

20 2. The handgun safety training course required in  
21 subsection 1 may be conducted over the internet in a live or  
22 web-based format, if completion of the course is verified by  
23 the instructor or provider of the course.

24 3. Firearm safety training shall not be required for  
25 renewals of permits issued after December 31, 2010.

26 ~~2.~~ 4. Evidence If firearm safety training is required under  
27 this section, evidence of qualification under ~~this section~~ such  
28 training may be documented by any of the following:

29 *a.* A photocopy of a certificate of completion or any  
30 similar document indicating completion of any course or  
31 class identified in subsection 1 that was completed within  
32 twenty-four months prior to the date of the application.

33 *b.* An affidavit from the instructor, school, organization,  
34 or group that conducted or taught a course or class identified  
35 in subsection 1 that was completed within twenty-four

1 months prior to the date of the application attesting to the  
2 completion of the course or class by the applicant.

3 ~~c. A copy of any document indicating participation in any~~  
4 ~~firearms shooting competition.~~

5 c. For personnel released or retired from active duty in the  
6 armed forces of the United States, possession of an honorable  
7 discharge or general discharge under honorable conditions  
8 issued any time prior to the date of the application.

9 d. For personnel on active duty or serving in one of the  
10 national guard or reserve components of the armed forces of the  
11 United States, possession of a certificate of completion of  
12 basic training with a service record of successful completion  
13 of small arms training and qualification issued prior to the  
14 date of the application, or any other official documentation  
15 satisfactory to the issuing officer issued prior to the date  
16 of the application.

17 ~~3.~~ 5. An issuing officer shall not condition the issuance  
18 of a permit on training requirements that are not specified in  
19 or that exceed the requirements of [this section](#).

20 6. If an applicant applies after expiration of the time  
21 periods specified for renewal in section 724.11, firearm safety  
22 training shall not be required for a renewal permit under this  
23 section.

24 Sec. 10. Section 724.11, subsections 1 and 3, Code 2017, are  
25 amended to read as follows:

26 1. Applications for permits to carry weapons shall be made  
27 to the sheriff of the county in which the applicant resides.  
28 Applications for professional permits to carry weapons for  
29 persons who are nonresidents of the state, or whose need to  
30 go armed arises out of employment by the state, shall be made  
31 to the commissioner of public safety. In either case, the  
32 sheriff or commissioner, before issuing the permit, shall  
33 determine that the requirements of [sections 724.6 to 724.10](#)  
34 have been satisfied. ~~However, for renewal of a permit the~~  
35 ~~training program requirements in [section 724.9, subsection 1,](#)~~

1 ~~shall apply or the renewal applicant may choose to qualify on a~~  
 2 ~~firing range under the supervision of an instructor certified~~  
 3 ~~by the national rifle association or the department of public~~  
 4 ~~safety or another state's department of public safety, state~~  
 5 ~~police department, or similar certifying body. Such training~~  
 6 ~~or qualification must occur within the twelve-month period~~  
 7 ~~prior to the expiration of the applicant's current permit.~~  
 8 A renewal applicant shall apply within thirty days prior to  
 9 the expiration of the permit, or within thirty days after the  
 10 expiration of the permit; otherwise the applicant shall be  
 11 considered an applicant for an initial permit for purposes of  
 12 renewal fees under subsection 3.

13 3. The issuing officer shall collect a fee of fifty dollars  
 14 for an initial permit, except from a duly appointed peace  
 15 officer or correctional officer, for each permit issued.  
 16 Renewal permits or duplicate permits shall be issued for a  
 17 fee of twenty-five dollars, provided the application for such  
 18 renewal permit is received by the issuing officer ~~at least~~  
 19 within thirty days prior to the expiration of the applicant's  
 20 current permit or within thirty days after the expiration of  
 21 the applicant's current permit. The issuing officer shall  
 22 notify the commissioner of public safety of the issuance of  
 23 any permit at least monthly and forward to the commissioner an  
 24 amount equal to ten dollars for each permit issued and five  
 25 dollars for each renewal or duplicate permit issued. All  
 26 such fees received by the commissioner shall be paid to the  
 27 treasurer of state and deposited in the operating account  
 28 of the department of public safety to offset the cost of  
 29 administering [this chapter](#). Notwithstanding [section 8.33](#), any  
 30 unspent balance as of June 30 of each year shall not revert to  
 31 the general fund of the state.

32 Sec. 11. Section 724.11, Code 2017, is amended by adding the  
 33 following new subsection:

34 NEW SUBSECTION. 5. An initial or renewal permit shall  
 35 have a uniform appearance, size, and content prescribed and

1 published by the commissioner of public safety. The permit  
2 shall contain the name of the permittee and the effective date  
3 of the permit, but shall not contain the permittee's social  
4 security number. The permit shall also include a designation  
5 that the permit is invalid when the permittee is intoxicated.  
6 Such a permit shall not be issued for a particular weapon  
7 and shall not contain information about a particular weapon  
8 including the make, model, or serial number of the weapon, or  
9 any ammunition used in that weapon.

10 Sec. 12. Section 724.21A, Code 2017, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 8. If an applicant or permit holder  
13 appeals the decision by the sheriff or commissioner to deny an  
14 application, or suspend or revoke a permit to carry weapons or  
15 a permit to acquire firearms, and it is later determined the  
16 applicant or permit holder is eligible to be issued or possess  
17 such a permit, the applicant or permit holder shall be awarded  
18 court costs and reasonable attorney fees. If the decision  
19 of the sheriff or commissioner to deny the application, or  
20 suspend or revoke the permit is upheld on appeal, the political  
21 subdivision of the state representing the sheriff or the  
22 commissioner shall be awarded court costs and reasonable  
23 attorney fees.

24 DIVISION IV

25 PERMIT TO ACQUIRE PISTOLS OR REVOLVERS

26 Sec. 13. Section 724.11A, Code 2017, is amended to read as  
27 follows:

28 **724.11A Recognition.**

29 A valid permit or license issued by another state to any  
30 nonresident of this state shall be considered to be a valid  
31 permit or license to carry weapons issued pursuant to this  
32 chapter, except that such permit or license shall not be  
33 considered to be a substitute for ~~an annual~~ a permit to acquire  
34 pistols or revolvers issued pursuant to [section 724.15](#).

35 Sec. 14. Section 724.15, subsection 1, unnumbered paragraph



1 1, Code 2017, is amended to read as follows:

2 Any person who desires to acquire ownership of any pistol  
3 or revolver shall first obtain ~~an annual~~ a permit. ~~An annual~~  
4 A permit shall be issued upon request to any resident of this  
5 state unless the person is subject to any of the following:

6 Sec. 15. Section 724.15, subsection 2, unnumbered paragraph  
7 1, Code 2017, is amended to read as follows:

8 Any person who acquires ownership of a pistol or revolver  
9 shall not be required to obtain ~~an annual~~ a permit if any of the  
10 following apply:

11 Sec. 16. Section 724.15, subsection 3, Code 2017, is amended  
12 to read as follows:

13 3. The ~~annual~~ permit to acquire pistols or revolvers shall  
14 authorize the permit holder to acquire one or more pistols or  
15 revolvers during the period that the permit remains valid. If  
16 the issuing officer determines that the applicant has become  
17 disqualified under the provisions of [subsection 1](#), the issuing  
18 officer may immediately revoke the permit and shall provide  
19 a written statement of the reasons for revocation, and the  
20 applicant shall have the right to appeal the revocation as  
21 provided in [section 724.21A](#).

22 Sec. 17. Section 724.16, Code 2017, is amended to read as  
23 follows:

24 **724.16 ~~Annual permit~~ Permit to acquire required — transfer**  
25 **prohibited.**

26 1. Except as otherwise provided in section 724.15,  
27 subsection 2, a person who acquires ownership of a pistol or  
28 revolver without a valid ~~annual~~ permit to acquire pistols or  
29 revolvers or a person who transfers ownership of a pistol  
30 or revolver to a person who does not have in the person's  
31 possession a valid ~~annual~~ permit to acquire pistols or  
32 revolvers is guilty of an aggravated misdemeanor.

33 2. A person who transfers ownership of a pistol or revolver  
34 to a person that the transferor knows is prohibited by section  
35 724.15 from acquiring ownership of a pistol or revolver commits

1 a class "D" felony.

2 Sec. 18. Section 724.17, Code 2017, is amended to read as  
3 follows:

4 **724.17 ~~Application for annual permit~~ Permit to acquire —**  
5 **criminal history check required.**

6 1. The application for ~~an annual~~ a permit to acquire  
7 pistols or revolvers may be made to the sheriff of the county  
8 of the applicant's residence and shall be on a form prescribed  
9 and published by the commissioner of public safety. The  
10 application shall require only the full name of the applicant,  
11 the driver's license or nonoperator's identification card  
12 number of the applicant, the residence of the applicant,  
13 and the date and place of birth of the applicant. The  
14 applicant shall also display an identification card that  
15 bears a distinguishing number assigned to the cardholder, the  
16 full name, date of birth, sex, residence address, and brief  
17 description and color photograph of the cardholder, or other  
18 identification as specified by rule of the department of public  
19 safety. The sheriff shall conduct a criminal history check  
20 concerning each applicant by obtaining criminal history data  
21 from the department of public safety which shall include an  
22 inquiry of the national instant criminal background check  
23 system maintained by the federal bureau of investigation or any  
24 successor agency. A person who makes what the person knows  
25 to be a false statement of material fact on an application  
26 submitted under this section or who submits what the person  
27 knows to be any materially falsified or forged documentation in  
28 connection with such an application commits a class "D" felony.

29 2. An issuing officer may conduct an annual criminal  
30 history check concerning a person issued a permit to acquire by  
31 obtaining criminal history data from the department of public  
32 safety.

33 Sec. 19. Section 724.18, Code 2017, is amended to read as  
34 follows:

35 **724.18 Procedure for making application for ~~annual~~ permit to**

1 **acquire.**

2 A person may personally request the sheriff to mail an  
3 application for ~~an annual~~ a permit to acquire pistols or  
4 revolvers, and the sheriff shall immediately forward to  
5 such person an application for ~~an annual~~ a permit to acquire  
6 pistols or revolvers. A person shall upon completion of the  
7 application personally deliver such application to the sheriff  
8 who shall note the period of validity on the application and  
9 shall immediately issue the ~~annual~~ permit to acquire pistols or  
10 revolvers to the applicant. For the purposes of **this section**  
11 the date of application shall be the date on which the sheriff  
12 received the completed application.

13 Sec. 20. Section 724.19, Code 2017, is amended to read as  
14 follows:

15 **724.19 Issuance of ~~annual~~ permit to acquire.**

16 The ~~annual~~ permit to acquire pistols or revolvers shall be  
17 issued to the applicant immediately upon completion of the  
18 application unless the applicant is disqualified under the  
19 provisions of **section 724.15** ~~and~~. The permit shall be on a  
20 form have a uniform appearance, size, and content prescribed  
21 and published by the commissioner of public safety. The permit  
22 shall contain the name of the permittee, ~~the residence of the~~  
23 ~~permittee~~, and the effective date of the permit, but shall not  
24 contain the permittee's social security number. Such a permit  
25 shall not be issued for a particular pistol or revolver and  
26 shall not contain information about a particular pistol or  
27 revolver including the make, model, or serial number of the  
28 pistol or revolver, or any ammunition used in that pistol or  
29 revolver.

30 Sec. 21. Section 724.20, Code 2017, is amended to read as  
31 follows:

32 **724.20 Validity of ~~annual~~ permit to acquire pistols or**  
33 **revolvers.**

34 The permit shall be valid throughout the state and shall  
35 be valid three days after the date of application and shall

1 be invalid ~~one-year~~ five years after the date of application  
2 issuance.

3 Sec. 22. Section 724.21A, subsections 1 and 7, Code 2017,  
4 are amended to read as follows:

5 1. In any case where the sheriff or the commissioner of  
6 public safety denies an application for or suspends or revokes  
7 a permit to carry weapons or ~~an annual~~ a permit to acquire  
8 pistols or revolvers, the sheriff or commissioner shall provide  
9 a written statement of the reasons for the denial, suspension,  
10 or revocation and the applicant or permit holder shall have the  
11 right to appeal the denial, suspension, or revocation to an  
12 administrative law judge in the department of inspections and  
13 appeals within thirty days of receiving written notice of the  
14 denial, suspension, or revocation.

15 7. In any case where the issuing officer denies an  
16 application for, or suspends or revokes a permit to carry  
17 weapons or ~~an annual~~ a permit to acquire pistols or revolvers  
18 solely because of an adverse determination by the national  
19 instant criminal background check system, the applicant or  
20 permit holder shall not seek relief under this section but  
21 may pursue relief of the national instant criminal background  
22 check system determination pursuant to Pub. L. No. 103-159,  
23 sections 103(f) and (g) and 104 and 28 C.F.R. §25.10, or other  
24 applicable law. The outcome of such proceedings shall be  
25 binding on the issuing officer.

26 DIVISION V

27 POSSESSION OF PISTOL OR REVOLVER BY PERSONS UNDER 14 YEARS OF  
28 AGE

29 Sec. 23. Section 724.22, subsection 5, Code 2017, is amended  
30 to read as follows:

31 5. a. A parent or guardian or spouse who is twenty-one  
32 years of age or older, of a person ~~fourteen years of age but~~  
33 ~~less than~~ under the age of twenty-one may allow the person,  
34 while under direct supervision, to possess a pistol or revolver  
35 or the ammunition therefor for any lawful purpose ~~while~~

~~1 under the direct supervision of the parent or guardian or~~  
~~2 spouse who is twenty-one years of age or older, or while the~~  
 3 person receives instruction in the proper use thereof from an  
 4 instructor twenty-one years of age or older, with the consent  
 5 of such parent, guardian or spouse.

6 b. As used in this section, "direct supervision" means  
 7 supervision provided by the parent, guardian, or spouse who is  
 8 twenty-one years of age or older and who maintains a physical  
 9 presence near the supervised person conducive to hands-on  
 10 instruction, and who maintains visual and verbal contact at all  
 11 times with the supervised person.

12 Sec. 24. Section 724.22, Code 2017, is amended by adding the  
 13 following new subsection:

14 NEW SUBSECTION. 8. A parent or guardian or spouse who is  
 15 twenty-one years of age or older, of a minor under the age of  
 16 fourteen years who allows that minor to possess a pistol or  
 17 revolver or the ammunition pursuant hereto, shall be strictly  
 18 liable to an injured party for all damages resulting from the  
 19 possession of the pistol or revolver or ammunition therefor by  
 20 that minor.

## DIVISION VI

### RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY

23 Sec. 25. Section 724.23, Code 2017, is amended to read as  
 24 follows:

25 **724.23 Records kept by commissioner and issuing officers.**

26 1. The commissioner of public safety shall maintain a  
 27 permanent record of all valid permits to carry weapons and of  
 28 current permit revocations.

29 2. a. Notwithstanding any other law or rule to the  
 30 contrary, the commissioner of public safety and any issuing  
 31 officer shall keep confidential personally identifiable  
 32 information of holders of nonprofessional permits to carry  
 33 weapons and permits to acquire firearms, including but not  
 34 limited to the name, social security number, date of birth,  
 35 residential or business address, and driver's license or other

1 identification number of the applicant or permit holder.

2 b. This subsection shall not prohibit the release of  
 3 statistical information relating to the issuance, denial,  
 4 revocation, or administration of nonprofessional permits to  
 5 carry weapons and permits to acquire firearms, provided that  
 6 the release of such information does not reveal the identity of  
 7 any individual permit holder.

8 c. This subsection shall not prohibit the release of  
 9 information to any law enforcement agency or any employee or  
 10 agent thereof when necessary for the purpose of investigating  
 11 a possible violation of law and probable cause exists, or for  
 12 conducting a lawfully authorized background investigation.

13 d. This subsection shall not prohibit the release of  
 14 information relating to the validity of a professional permit  
 15 to carry weapons to an employer who requires an employee or an  
 16 agent of the employer to possess a professional permit to carry  
 17 weapons as part of the duties of the employee or agent.

18 e. Except as provided in paragraphs "b", "c", and "d", the  
 19 release of any confidential information under this section  
 20 shall require a court order or the consent of the person whose  
 21 personally identifiable information is the subject of the  
 22 information request.

23 DIVISION VII

24 STATE PREEMPTION

25 Sec. 26. Section 724.28, Code 2017, is amended to read as  
 26 follows:

27 **724.28 Prohibition of regulation by political subdivisions.**

28 1. As used in this section, "political subdivision of the  
 29 state" means a city, county, or township.

30 2. A political subdivision of the state shall not enact an  
 31 ordinance regulating the ownership, possession, legal transfer,  
 32 lawful transportation, registration, or licensing of firearms  
 33 when the ownership, possession, transfer, or transportation is  
 34 otherwise lawful under the laws of this state. An ordinance  
 35 regulating firearms in violation of this section existing on or

1 after April 5, 1990, is void.

2        3. If a political subdivision of the state, prior to, on,  
3        or after July 1, 2017, adopts, makes, enacts, or amends any  
4        ordinance, measure, enactment, rule, resolution, motion, or  
5        policy regulating the ownership, possession, legal transfer,  
6        lawful transportation, registration, or licensing of firearms  
7        when the ownership, possession, transfer, transportation,  
8        registration, or license is otherwise lawful under the laws  
9        of this state, a person adversely affected by the ordinance,  
10       measure, enactment, rule, resolution, motion, or policy  
11       may file suit in the appropriate court for declarative and  
12       injunctive relief for damages. A court shall award reasonable  
13       attorney's fees and costs to the prevailing plaintiff in any  
14       such suit.

## DIVISION VIII

## PISTOLS OR REVOLVERS — CAPITOL BUILDINGS AND GROUNDS

17      Sec. 27. Section 8A.322, subsection 3, Code 2017, is amended  
18 to read as follows:

19       3. The director shall establish, publish, and enforce rules  
20 regulating and restricting the use by the public of the capitol  
21 buildings and grounds and of the state laboratories facility  
22 in Ankeny. The rules when established shall be posted in  
23 conspicuous places about the capitol buildings and grounds and  
24 the state laboratories facility, as applicable. Any person  
25 violating any rule, except a parking regulation, shall be  
26 guilty of a simple misdemeanor. The rules shall prohibit a  
27 person from openly carrying a pistol or revolver in the capitol  
28 building and on the grounds surrounding the capitol building  
29 including state parking lots and parking garages. However,  
30 this subsection shall not be construed to allow the director  
31 to prohibit the carrying, transportation, or possession of any  
32 pistol or revolver in the capitol building and on the grounds  
33 surrounding the capitol building including state parking lots  
34 and parking garages when the carrying, transportation, or  
35 possession is otherwise lawful under the laws of this state.

DIVISION IX

EMERGENCY POWERS

1           Sec. 28. Section 29C.3, subsection 4, paragraph e, Code  
2           2017, is amended by striking the paragraph.

3           Sec. 29. Section 29C.6, subsection 16, Code 2017, is amended  
4           to read as follows:

5           16. Suspend or limit the sale, dispensing, or  
6           transportation of alcoholic beverages, ~~firearms~~, explosives,  
7           and combustibles.

8           Sec. 30. NEW SECTION. **29C.25 Firearms and ammunition —**  
9           **limitations — exceptions — remedies.**

10          1. This chapter shall not be construed to authorize the  
11          governor or any other official of this state or any of its  
12          political subdivisions or any agent or person acting at the  
13          direction of the governor or any such official to do any of the  
14          following:

15          a. Prohibit, regulate, or curtail the otherwise lawful  
16          possession, carrying, transportation, transfer, or defensive  
17          use of firearms or ammunition.

18          b. Suspend or revoke, except in accordance with section  
19          724.13, a permit issued pursuant to section 724.6, 724.7, or  
20          724.15.

21          c. Seize or confiscate firearms and ammunition possessed in  
22          accordance with the laws of this state.

23          2. This section shall not prohibit any of the following:

24          a. The temporary closure or limitations on the operating  
25          hours of businesses that sell firearms or ammunition if the  
26          same operating restrictions apply to all businesses in the  
27          affected area.

28          b. The adoption or enforcement of regulations pertaining to  
29          firearms and ammunition used or carried for official purposes  
30          by law enforcement officers or persons acting under the  
31          authority of emergency management agencies or officials.

32          3. a. A person aggrieved by a violation of this section  
33          may seek relief in an action at law or in equity or in any  
34          35



1 other proper proceeding for actual damages, injunctive relief,  
2 or other appropriate redress against a person who commits or  
3 causes the commission of such violation.

4     **b.** In addition to any other remedy available at law or  
5 in equity, a person aggrieved by the seizure or confiscation  
6 of a firearm or ammunition in violation of this section may  
7 make application pursuant to section 809.3 for its return in  
8 the office of the clerk of court for the county in which the  
9 property was seized.

10     **c.** In an action or proceeding to enforce this section, the  
11 court shall award the prevailing plaintiff reasonable court  
12 costs and attorney fees.

13                                   DIVISION X

14             JUSTIFIABLE USE OF REASONABLE AND DEADLY FORCE

15     Sec. 31. Section 704.1, Code 2017, is amended to read as  
16 follows:

17     **704.1 Reasonable force.**

18     1. "Reasonable force" is means that force and no more which  
19 a reasonable person, in like circumstances, would judge to  
20 be necessary to prevent an injury or loss and can include  
21 deadly force if it is reasonable to believe that such force is  
22 necessary to avoid injury or risk to one's life or safety or  
23 the life or safety of another, or it is reasonable to believe  
24 that such force is necessary to resist a like force or threat.

25     2. Reasonable force, including deadly force, may be used  
26 even if an alternative course of action is available if the  
27 alternative action entails a risk to life or safety, or the  
28 life or safety of a third party, or requires one to abandon or  
29 retreat from one's dwelling or place of business or employment.

30     3. A person may be wrong in the estimation of the danger or  
31 the force necessary to repel the danger as long as there is a  
32 reasonable basis for the belief of the person and the person  
33 acts reasonably in the response to that belief.

34     4. A person who is not engaged in illegal activity has no  
35 duty to retreat from any place where the person is lawfully

1 present before using force as specified in this chapter.

2     Sec. 32. Section 704.2, Code 2017, is amended by adding the  
3 following new subsection:

4     NEW SUBSECTION. 1A. "*Deadly force*" does not include a  
5 threat to cause serious injury or death, by the production,  
6 display, or brandishing of a deadly weapon, as long as the  
7 actions of the person are limited to creating an expectation  
8 that the person may use deadly force to defend oneself,  
9 another, or as otherwise authorized by law.

10     Sec. 33. NEW SECTION. 704.2A Justifiable use of deadly  
11 force.

12     1. For purposes of this chapter, a person is presumed to  
13 reasonably believe that deadly force is necessary to avoid  
14 injury or risk to one's life or safety or the life or safety of  
15 another in either of the following circumstances:

16     a. The person against whom force is used, at the time the  
17 force is used, is doing any of the following:

18         (1) Unlawfully entering the dwelling, place of business  
19 or employment, or occupied vehicle of the person using force  
20 by force or stealth, or has unlawfully entered by force or  
21 stealth and remains within the dwelling, place of business or  
22 employment, or occupied vehicle of the person using force.

23         (2) Unlawfully removing or is attempting to unlawfully  
24 remove another person against the other person's will from the  
25 dwelling, place of business or employment, or occupied vehicle  
26 of the person using force.

27     b. The person using force knows or has reason to believe  
28 that any of the conditions set forth in paragraph "a" are  
29 occurring.

30     2. The presumption set forth in subsection 1 does not  
31 apply if, at the time force is used, any of the following  
32 circumstances are present:

33     a. The person using defensive force is engaged in a  
34 criminal offense, is attempting to escape from the scene of a  
35 criminal offense that the person has committed, or is using the

1 dwelling, place of business or employment, or occupied vehicle  
2 to further a criminal offense.

3     **b.** The person sought to be removed is a child or grandchild  
4 or is otherwise in the lawful custody or under the lawful  
5 guardianship of the person against whom force is used.

6     **c.** The person against whom force is used is a peace officer  
7 who has entered or is attempting to enter a dwelling, place  
8 of business or employment, or occupied vehicle in the lawful  
9 performance of the peace officer's official duties.

10     **d.** The person against whom the force is used has the right  
11 to be in, or is a lawful resident of, the dwelling, place of  
12 business or employment, or occupied vehicle of the person using  
13 force, and a protective or no-contact order is not in effect  
14 against the person against whom the force is used.

15     Sec. 34. Section 704.3, Code 2017, is amended to read as  
16 follows:

17     **704.3 Defense of self or another.**

18     A person is justified in the use of reasonable force when  
19 the person reasonably believes that such force is necessary to  
20 defend oneself or another from any actual or imminent use of  
21 unlawful force.

22     Sec. 35. Section 704.7, Code 2017, is amended to read as  
23 follows:

24     **704.7 Resisting forcible felony.**

25     A person who ~~knows~~ reasonably believes that a forcible felony  
26 is being or will imminently be perpetrated is justified in  
27 using, ~~against the perpetrator,~~ reasonable force, including  
28 deadly force, against the perpetrator or perpetrators to  
29 ~~prevent the completion of~~ or terminate the perpetration of that  
30 felony.

31     Sec. 36. NEW SECTION. **704.13 Immunity.**

32     A person who is justified in using reasonable force against  
33 an aggressor in defense of oneself, another person, or property  
34 is immune from criminal or civil liability for all damages  
35 incurred by the aggressor pursuant to the application of

1 reasonable force.

2 Sec. 37. Section 707.6, Code 2017, is amended to read as  
3 follows:

4 **707.6 Civil liability.**

5 1. No A person who injures or causes the death of the  
6 aggressor through application of reasonable force in defense of  
7 the person's person or property may shall not be held civilly  
8 liable for such injury or death.

9 2. No A person who injures or causes the death of the  
10 aggressor through application of reasonable force in defense of  
11 a second person may shall not be held civilly liable for such  
12 injury or death.

13 DIVISION XI

14 FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION

15 Sec. 38. NEW SECTION. **724.29A Fraudulent purchase of**  
16 **firearms or ammunition.**

17 1. For purposes of this section:

18 *a. "Ammunition"* means any cartridge, shell, or projectile  
19 designed for use in a firearm.

20 *b. "Licensed firearms dealer"* means a person who is licensed  
21 pursuant to 18 U.S.C. §923 to engage in the business of dealing  
22 in firearms.

23 *c. "Materially false information"* means information that  
24 portrays an illegal transaction as legal or a legal transaction  
25 as illegal.

26 *d. "Private seller"* means a person who sells or offers for  
27 sale any firearm or ammunition.

28 2. A person who knowingly solicits, persuades, encourages,  
29 or entices a licensed firearms dealer or private seller of  
30 firearms or ammunition to transfer a firearm or ammunition  
31 under circumstances that the person knows would violate the  
32 laws of this state or of the United States commits a class "D"  
33 felony.

34 3. A person who knowingly provides materially false  
35 information to a licensed firearms dealer or private seller of

1 firearms or ammunition with the intent to deceive the firearms  
2 dealer or seller about the legality of a transfer of a firearm  
3 or ammunition commits a class "D" felony.

4 4. A person who willfully procures another to engage in  
5 conduct prohibited by this section shall be held accountable  
6 as a principal.

7 5. This section does not apply to a law enforcement officer  
8 acting in the officer's official capacity or to a person acting  
9 under the direction of such law enforcement officer.

10

DIVISION XII

11

SNOWMOBILES AND ALL-TERRAIN VEHICLES

12 Sec. 39. Section 321G.13, subsection 2, Code 2017, is  
13 amended to read as follows:

14 2. a. A person shall not operate or ride a snowmobile with  
15 a firearm in the person's possession unless it is unloaded and  
16 enclosed in a carrying case, except as otherwise provided.

17 However, a nonambulatory person may carry an uncased and  
18 unloaded firearm while operating or riding a snowmobile.

19 b. (1) A person may operate or ride on a snowmobile with a  
20 loaded firearm, whether concealed or not, without a permit to  
21 carry weapons, if the person operates or rides on land owned or  
22 possessed by the person, and the person's conduct is otherwise  
23 lawful.

24 (2) If a person is operating or riding on a snowmobile on  
25 land that is not owned or possessed by the person, the person  
26 may operate or ride the snowmobile with a loaded ~~firearm~~ pistol  
27 or revolver, whether concealed or not, ~~if all of the following~~  
28 ~~apply:~~

29 ~~(a) The firearm is a pistol or revolver and is secured in a~~  
30 ~~retention holster upon the person.~~

31 ~~(b) The person has in the person's possession and displays~~  
32 ~~to a peace officer on demand a valid permit to carry weapons~~  
33 ~~which has been issued to the person.~~

34 ~~(c) The person's conduct is within the limits of the permit~~  
35 ~~to carry weapons~~ and the person's conduct is otherwise lawful.

1     c. A person shall not discharge a firearm while on a  
2 snowmobile, except that a nonambulatory person may discharge a  
3 firearm from a snowmobile while lawfully hunting if the person  
4 is not operating or riding a moving snowmobile.

5     Sec. 40. Section 321I.14, subsection 2, Code 2017, is  
6 amended to read as follows:

7     2. a. A person shall not operate or ride an all-terrain  
8 vehicle with a firearm in the person's possession unless it is  
9 unloaded and enclosed in a carrying case, except as otherwise  
10 provided. However, a nonambulatory person may carry an uncased  
11 and unloaded firearm while operating or riding an all-terrain  
12 vehicle.

13     b. (1) A person may operate or ride on an all-terrain  
14 vehicle with a loaded firearm, whether concealed or not,  
15 without a permit to carry weapons, if the person operates  
16 or rides on land owned or possessed by the person, and the  
17 person's conduct is otherwise lawful.

18     (2) If a person is operating or riding on an all-terrain  
19 vehicle on land that is not owned or possessed by the person,  
20 the person may operate or ride the all-terrain vehicle with a  
21 loaded firearm pistol or revolver, whether concealed or not,  
22 ~~if all of the following apply:~~

23     ~~{a} The firearm is a pistol or revolver and is secured in a~~  
24 ~~retention holster upon the person.~~

25     ~~{b} The person has in the person's possession and displays~~  
26 ~~to a peace officer on demand a valid permit to carry weapons~~  
27 ~~which has been issued to the person.~~

28     ~~{c} The person's conduct is within the limits of the permit~~  
29 ~~to carry weapons~~ and the person's conduct is otherwise lawful.

30     c. A person shall not discharge a firearm while on an  
31 all-terrain vehicle, except that a nonambulatory person may  
32 discharge a firearm from an all-terrain vehicle while lawfully  
33 hunting if the person is not operating or riding a moving  
34 all-terrain vehicle.

35                     DIVISION XIII

1                   TARGET SHOOTING — PRIVATE PREMISES

2       Sec. 41. Section 481A.123, Code 2017, is amended by adding  
3 the following new subsection:

4       NEW SUBSECTION. 7. Subject to subsection 1, an owner or  
5 tenant of private premises located in the unincorporated area  
6 of a county, or a person to whom the owner or tenant has given  
7 consent, may discharge a firearm for the purpose of target  
8 shooting on those private premises. The use of such private  
9 premises for target shooting shall not be found to be in  
10 violation of a noise ordinance or declared a public or private  
11 nuisance or be otherwise prohibited under state or local  
12 law. As used in this subsection, "*target shooting*" means the  
13 discharge of a firearm at an inanimate object, for amusement or  
14 as a test of skill in marksmanship.

15                                   DIVISION XIV

16                   EFFECTIVE DATE AND APPLICABILITY PROVISIONS

17       Sec. 42. EFFECTIVE UPON ENACTMENT. The following  
18 provision or provisions of this Act, being deemed of immediate  
19 importance, take effect upon enactment:

20       1. The section of this Act amending section 724.22.

21       2. The section of this Act amending section 724.23.

22       3. The applicability section of this division of this Act  
23 related to amending section 724.23.

24       Sec. 43. APPLICABILITY — RECORDS KEPT BY COMMISSIONER —  
25 CONFIDENTIALITY. The section of this Act amending section  
26 724.23 applies to holders of nonprofessional permits to carry  
27 weapons and permits to acquire firearms and to applicants for  
28 nonprofessional permits to carry weapons and permits to acquire  
29 firearms on or after the effective date of that section of this  
30 Act.